

ASSEMBLY BILL

No. 2079

Introduced by Assembly Member Emmerson

February 19, 2008

An act to add Section 110673 to the Health and Safety Code, relating to misbranded food.

LEGISLATIVE COUNSEL'S DIGEST

AB 2079, as introduced, Emmerson. Misbranded food: allergen labeling.

Existing law, the Sherman Food, Drug, and Cosmetic Law, makes it unlawful for any person to misbrand any food. Misbranded food includes food that is labeled in a manner that does not conform with requirements for nutrition labeling and nutrient content or health claims set forth in the federal Food, Drug, and Cosmetic Act. Violation of these provisions is a crime.

This bill would deem food to be misbranded if its labeling does not conform with requirements for allergen labeling set forth in the federal Food, Drug, and Cosmetic Act. By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 110673 is added to the Health and Safety
2 Code, to read:

3 110673. Any food is misbranded if its labeling does not
4 conform with the requirements for food allergen labeling as set
5 forth in Section 403(w) of the federal act(21 U.S.C. Sec. 343(w))
6 and the regulations adopted pursuant thereto. Any food exempted
7 from those requirements under the federal act, shall also be exempt
8 under this section.

9 SEC. 2. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.